

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

HARLEYSVILLE MUTUAL  
INSURANCE COMPANY,

Plaintiff,

V.

GRADY'S TIRE & AUTO  
SERVICE, INC., *et al* ,

Defendants.

CIVIL ACTION NO. 3:05-CV-469-C

## ORDER

The parties are hereby reminded of the obligation, imposed by Rule 26(f) of the Federal Rules of Civil Procedure, to confer and to develop a proposed discovery plan and other information as required for filing the report of the parties' planning meeting. Accordingly, it is

ORDERED that the Rule 26(f) report containing the discovery plan shall be filed as soon as practicable but not later than **August 4, 2005**. It is further

ORDERED that a scheduling conference be and is hereby set on **August 11, 2005 at 9:00 a.m.**. This conference shall be conducted by telephone conference which shall be set up by the plaintiff. If any party desires a face-to-face conference with the other parties and the court, the request and any objections should be made in the report of the parties' planning meeting.

The longstanding practice in this district is that dispositive motions shall be filed no later than 90 days prior to the pretrial date. If the parties seek to vary from that schedule, they should present, in the plan, specific case related reasons for the requested variance. This case will be set for trial before the undersigned judge during one of that judge's regularly scheduled civil trial terms. The pretrial date is normally set within 4 - 6 weeks of a scheduled

trial term. The dates of each judges civil trial terms are available on the court's website, [www.almd.uscourts.gov](http://www.almd.uscourts.gov). The scheduling order which the court will enter will follow the form of the Uniform Scheduling Order adopted by the Judges of this court. The Uniform Scheduling Order is also available on the court's website. The report of the parties should comply with Form 35 of the Appendix of Forms to the Federal Rules of Civil Procedure as well as the requirements of this order.

Previously, the parties were notified of the assignment of this case to a Magistrate Judge and the right to request reassignment. See Attached Explanation. The parties have indicated their consent to a Magistrate Judge's jurisdiction, see 28 U.S.C. § 636(c), by not requesting reassignment; therefore, as indicated in the notice of assignment, the parties should now confirm their consent in writing. See *Rembert v. Apfel*, 213 F.3d 1331 (11th Cir. 2000). Accordingly, counsel for the parties are

DIRECTED to complete and send to the Clerk of the Court the attached consent form so that the form is received by the Clerk on or before **August 4, 2005. If the parties do not consent by this date, the scheduling conference shall be cancelled.**

Done this 14<sup>th</sup> day of July, 2005.

/s/Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

HARLEYSVILLE MUTUAL	)	
INSURANCE COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 3:05-CV-469-C
	)	
GRADY’S TIRE & AUTO	)	
SERVICE, INC., <i>et al</i> ,	)	
	)	
Defendants.	)	

**CONSENT TO JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C. § 636(c), the undersigned party or parties to the above-captioned civil matter who previously have indicated their consent to the jurisdiction of a Magistrate Judge of this Court, hereby confirm in writing their consent to a United States Magistrate Judge conducting any and all further proceedings in the case, including trial, and ordering the entry of a final judgment.

_____	_____
Date	Signature
	_____
	Counsel For ( <b>print</b> name of all parties)
	_____
	Address, City, State Zip Code
	_____
	Telephone Number

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA

**EXPLANATION OF ASSIGNMENT TO  
UNITED STATES MAGISTRATE JUDGE**

This civil case has been randomly assigned to a United States Magistrate Judge of this court. In accordance with 28 U.S.C. § 636(c), the Magistrate Judges of this court are designated to conduct any and all proceedings in a jury or nonjury civil case and order the entry of final judgment upon the consent of all parties to a case. Any appeal from a judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeals for the Eleventh Circuit in the same manner as any appeal from any judgment entered in this court.

Any party to this lawsuit has the right to consent or decline consent to the jurisdiction of a Magistrate Judge. To exercise your right to consent you should complete the consent form and return it to the Clerk of the Court as indicated in the court's order. **Litigants, without concern for any adverse consequences, freely may decline consent to the jurisdiction of a Magistrate Judge.** If you decline consent to the jurisdiction of a Magistrate Judge, this case will be reassigned randomly to a District Judge.